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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 THOMAS A. CLARK,

12 Plaintiff,

13 v.

14 ELDON VAIL, et al.,

15 Defendants.

Case No. C08-5507BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

16 This matter comes before the Court on the Report and Recommendation of the
17 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 9) and Plaintiff's
18 Objections to the Report and Recommendation (Dkt. 10). The Court has considered the
19 Report and Recommendation, Plaintiff's objections, and the remaining record.

20 Plaintiff objects to the dismissal of his complaint with prejudice. Dkt. 10 at 2.
21 Plaintiff, however, cites the proposed order that was filed with the Report and
22 Recommendation. *See* Dkt. 9-2. Pursuant to Fed. R. Civ. P. 41(a)(1)(B), the Court will
23 dismiss Plaintiff's complaint without prejudice.


24 Therefore,

25 It is hereby **ORDERED** that:

26 (1) The Court adopts the Report and Recommendation; and
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1 (2) This action is **DISMISSED without prejudice** per Plaintiff's request for
2 voluntary dismissal (Dkt. 8)

3 DATED this 29th day of October, 2008.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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